

FEB 17 2023

Nathan Ochsner, Clerk of Court

AFFIDAVIT

TRIF & MODUGNO LLC

Kevin Brotspies, Esq. (Maryland Bar No. 0906300001)

89 Headquarters Plaza

North Tower, Suite 1201

Morristown, New Jersey 07960

Telephone: 973-547-3611

kbrotspies@tm-firm.com

Attorneys for Plaintiff

XL Specialty Insurance Company

XL SPECIALTY INSURANCE
COMPANY,

Plaintiff,

-against-

BIGHORN CONSTRUCTION &
RECLAMATION, LLC, BRIDGELINK
ENGINEERING, LLC, BRIDGELINK
COMMODITIES, LLC, BRIDGELINK
INVESTMENTS, LLC, BRIDGELINK
DEVELOPMENT, LLC,
BRIDGELINK RENEWABLE
ENERGY INVESTMENTS, LLC,
INTERMOUNTAIN ELECTRIC
SERVICE, INC., BIGHORN
INVESTMENTS AND PROPERTIES,
LLC, COLE W. JOHNSON, CORD H.
JOHNSON, CASSIE J. HAMILTON

Defendants.

**AFFIDAVIT OF XL SPECIALTY INSURANCE
COMPANY IN SUPPORT OF PROOF OF MAILING**

Maryland Civil No. 21-3068 (BAH)

Western Texas Civil No. 7:23-MC-00007
Northern Texas Civil No. 4:23-mc-00001-P
Southern Texas Civil No. 4:23-mc-00116
Eastern Texas Civil No. 1:23-mc-00002

Maryland Judge Brendan A. Hurson

AFFIDAVIT OF KEVIN S. BROTSPIES, ESQ.

I, **KEVIN S. BROTSPIES**, being duly sworn, hereby depose and say:

1. To my knowledge, all of the facts stated in this affidavit are true and correct.
2. I am over 18 years of age. I am fully competent to make this affidavit and I have personal knowledge of the facts stated in this affidavit.

3. I am Counsel for Plaintiff, XL Specialty Insurance Company, located at 70 Seaview Avenue, Stamford, CT 06902.

4. This Affidavit is submitted in support of XL Specialty Insurance Company's ("XL" or "Plaintiff") Proof of Mailing.

5. On December 1, 2021, XL filed a Complaint against the collective Defendants in the United States District Court for the District of Maryland ("Maryland Court").

6. On November 23, 2022, the Maryland Court entered a judgment in favor of Plaintiffs in the amount of \$729,337.85 plus post-judgment interest at the legal rate, and the costs of this action (the "Judgment").

7. On January 9, 2023, I caused the Judgment rendered by the Maryland Court to be registered in the United States District Court for the Western District of Texas under Texas Civil Action No. 7:23-MC-00007 ("Western District"). Attached hereto as **Exhibit A** is a filed copy of the Western District's domestication of the foreign judgment.

8. On January 18, 2023, I caused the Judgment rendered by the Maryland Court to be registered in the United States District Court for the Northern District of Texas under Texas Civil Action No. 4:23-mc-00001-P ("Northern District"). Attached hereto as **Exhibit B** is a filed copy of the Northern District's domestication of the foreign judgment.

9. On January 24, 2023, I caused the Judgment rendered by the Maryland Court to be registered in the United States District Court for the Southern District of Texas under Texas Civil Action No. 4:23-mc-00116 ("Southern District"). Attached hereto as **Exhibit C** is a filed copy of the Southern District's domestication of the foreign judgment.

10. On January 25, 2023, I caused the Judgment rendered by the Maryland Court to be registered in the United States District Court for the Eastern District of Texas 1:23-mc-00002

("Eastern District"). Attached hereto as **Exhibit D** is a filed copy of the Eastern District's domestication of the foreign judgment.

11. Upon information and belief that Defendant, Bighorn Construction and Reclamation, LLC's Agent for Service of Process's address of URS Agents, LLC 3610-2 N. Josey Lane, Suite 223 Carrollton, TX 75007. Bighorn Construction and Reclamation, LLC's last known address is 777 Main Street, Suite 2800 Fort Worth, TX 76102.

12. Upon information and belief that Defendant, Bridgelink Engineering, LLC's Agent for Service of Process's address of URS Agents, LLC 3610-2 N. Josey Lane, Suite 223 Carrollton, TX 75007. Bridgelink Engineering, LLC's last known address is 777 Main Street, Suite 2800 Fort Worth, TX 76102.

13. Upon information and belief that Bridgelink Commodities, LLC's Agent for Service of Process's address of URS Agents, LLC 3610-2 N. Josey Lane, Suite 223 Carrollton, TX 75007. Bridgelink Commodities, LLC's last known address is 777 Main Street, Suite 2800 Fort Worth, TX 76102.

14. Upon information and belief that Defendant, Bridgelink Investments, LLC's Agent for Service of Process's address of URS Agents, LLC 3610-2 N. Josey Lane, Suite 223 Carrollton, TX 75007. Bridgelink Investments, LLC's last known address is 777 Main Street, Suite 2800 Fort Worth, TX 76102.

15. Upon information and belief that Defendant, Bridgelink Development, LLC's last known address is 777 Main Street, Suite 2800 Fort Worth, TX 76102.

16. Upon information and belief that Defendant, Bridgelink Renewable Energy Investments, LLC at their Agent for Service of Process's address of URS Agents, LLC 3610-2 N.

Josey Lane, Suite 223 Carrollton, TX 75007. Bridgelink Renewable Energy Investments, LLC's last known address is 777 Main Street, Suite 2800 Fort Worth, TX 76102.

17. Upon information and belief that Defendant, Intermountain Electric Service, Inc.'s Agent for Service of Process's address of Corporation Service Company D/B/A CSC-Lawyers Inc. 211 E. 7th Street Suite 620 Austin, Texas 87801. Intermountain Electric Service, Inc.'s last known address is 777 Main Street, Suite 2800 Fort Worth, TX 76102.

18. Upon information and belief that Defendant, Bighorn Investments and Properties, LLC's Agent for Service of Process's address of URS Agents, LLC 3610-2 N. Josey Lane, Suite 223 Carrollton, TX 75007. Bighorn Investments and Properties, LLC's last known address is 777 Main Street, Suite 2800 Fort Worth, TX 76102.

19. Upon information and belief that Defendant, Cole W. Johnson's last known address of 1301 Old Tin Top Road, Weatherford, TX 76087.

20. Upon information and belief that Defendant, Cord H. Johnson's last known address of 127 Trace Drive, Weatherford, TX 76087.

21. Upon information and belief that Defendant, Cassie J. Hamilton's last known address of 127 Trace Drive, Weatherford, TX 76087.

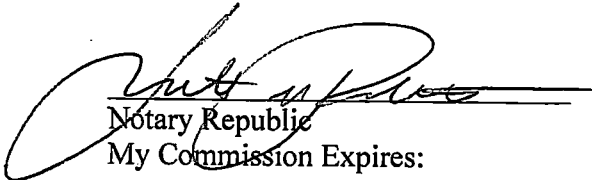
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: February 10, 2023



Kevin S. Brotspies, Esq.

Subscribed and Sworn to Before Me
This 10th day of February.



Notary Republic
My Commission Expires:

SCOTT M. PALATUCCI, ESQ.
ATTORNEY AT LAW

STATE OF NEW JERSEY
LICENSE No. 033812003

EXHIBIT A

FILED

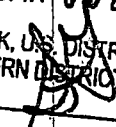
AO 451 (Rev. 01/09, MD 6/09) Clerk's Certification of a Judgment to be Registered in Another District

UNITED STATES DISTRICT COURT

for the

District of Maryland

JAN 09 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY

XL Specialty Insurance Company)

Plaintiff)

v.)

Bighorn Construction and Reclamation, LLC et al.)

Defendant)

7:23-MC-00007

Civil Action No. 21cv3068-BAH

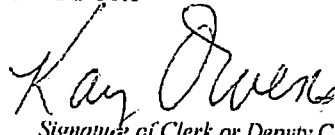
CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT

I certify that the attached judgment is a copy of a judgment entered by this court on (date) November 23, 2022

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date: December 27, 2022

CLERK OF COURT


Signature of Clerk or Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

XL SPECIALTY INSURANCE CO.,

Plaintiff,

v.

BIGHORN CONSTRUCTION &
RECLAMATION, LLC, et al.,

Defendants.

Civil No. 21-3068-BAH

* * * * *

ORDER

Upon consideration of the Motion for Summary Judgment by the Plaintiff, XL Specialty Insurance Company ("XL") (ECF 40) and the October 15, 2022 supplement thereto (ECF 41), and noting no opposition to the motion by the Defendants, Bighorn Construction and Reclamation, LLC, Bridgelink Engineering, LLC, Bridgelink Commodities, LLC, Bridgelink Investments, LLC, Bridgelink Development, LLC, Bridgelink Renewable Energy Investments, LLC, Intermountain Electric Service, Inc., Bighorn Investments and Properties, LLC, Cole W. Johnson, Cord H. Johnson and Cassie J. Hamilton (collectively, "Defendants"), it is this 23rd day of November, 2022, hereby ORDERED that the Motion be, and is, GRANTED IN PART and DENIED IN PART.

It is furthermore, ORDERED that there are no genuine disputes of material fact, and XL is entitled to summary judgment as a matter of law with respect to Count I of the Verified Complaint (Specific Performance of Collateral) and Count IV of the Verified Complaint (Exoneration). Judgment shall be and hereby is entered in favor of XL and against Defendants, jointly and severally, directing each of them, and their officers, agents, employees, attorneys

and other persons acting on their behalf, to deposit collateral with XL in the total amount of \$1,626,662.98. This obligation is joint and several and a total deposit in that amount shall sufficiently cover the obligations of all eleven Defendants as to these counts. To the extent Defendants do not deposit the collateral required within fifteen (15) days of this Order, this Order shall operate as a lien, mortgage or other encumbrance on the assets of each Defendant in the amount of \$1,626,662.98 and allowing XL to file such an Order with the secretary of state(s), counties, municipalities, townships, parishes, cities, and/or wherever else the Defendants' property may be located.

It is furthermore, ORDERED that there are no genuine disputes of material fact, and XL is entitled to summary judgment as a matter of law with respect to Count II of the Verified Complaint (Books and Records). Judgment shall be and hereby is entered in favor of XL and against Defendants, jointly and severally, directing each of them, and their officers, agents, employees, attorneys and other persons acting on their behalf, to provide XL with full and complete access of all of Defendants' books, records and other documents, including financial books, records, documents and accounts maintained by them or any of them in which they may have an interest for inspection and copying.

It is furthermore, ORDERED that there are no genuine disputes of material fact, and XL is entitled to summary judgment as a matter of law with respect to Count III of the Verified Complaint (Contractual Indemnity) and Count VI of the Verified Complaint (Indemnity). Judgment shall be and hereby is entered in favor of XL and against Defendant, Bighorn Construction and Reclamation, LLC, in the amount of Seven Hundred Twenty-Nine Thousand Three Hundred Seventy-Seven Dollars and Eighty-Five Cents (\$729,377.85), plus post-judgment interest at the legal rate, and the costs of this action. This obligation is joint and

several and a total payment in that amount shall sufficiently cover Plaintiff's exposure on behalf of all eleven Defendants as to these counts.

It is furthermore, ORDERED that summary judgment is DENIED as moot with respect to Count V of the Verified Complaint (*quia timet*).

It is furthermore, ORDERED that Plaintiff notify the Court within fifteen (15) days of this Order whether it intends to prosecute Count VII of the Verified Complaint (Subrogation) or whether that claim can be dismissed with prejudice in light of the granting of summary judgment on Counts I, II, III, IV, and VI of the Verified Complaint.

/s/

Hon. Brendan A. Hurson,
United States Magistrate Judge

I hereby attest and certify on 12/27/2022
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.

CATHERINE M. STAVLAS
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By Kay Owens Deputy

TRIF & MODUGNO

ATTORNEYS AT LAW

Alyssa Puccio
apuccio@tm-firm.com

January 5, 2023

VIA REGULAR MAIL

U.S. District Clerk's Office
200 East Wall, Room 222
Midland, Texas 79701

Re: XL Specialty Insurance Co., v. Bighorn Construction
& Reclamation, LLC, et al.
Maryland Case No.: 21-3068-BAH

Dear Sir/Madam,

We represent XL Specialty Insurance Company ("XL") in the above-referenced matter. At this time, we would like to request that the certified judgment be registered as a foreign judgment. Enclosed, please find a check in the amount of \$49.00. If you have any questions or require additional information, please do not hesitate to contact me.

Respectfully submitted,

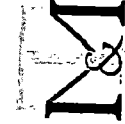


Alyssa Puccio, Esq.

NEW JERSEY
89 Headquarters Plaza
North Tower, Suite 1201
Morristown, New Jersey 07960
973-547-3611
Facsimile: 973-554-1220

NEW YORK
11 Broadway
Suite 615
New York, New York 10004
917-477-2999
Facsimile: 973-554-1220

PENNSYLVANIA
1700 Market Street
Suite 1005
Philadelphia, Pennsylvania 19103
267-869-0050
Facsimile: 267-869-0051



TRIF & MODUGNO
ATTORNEYS AT LAW

89 Headquarters Plaza
North Tower, Suite 1201
Morristown, New Jersey 07960



RECEIVED

JAN 09 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

U.S. District Clerk's Office
200 East Wall, Room 222
Midland, Texas 79701

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Page 1/1

**U.S. District Court****Texas Western - Midland**

TRIF & MODUGNO LLC
 89 Headquarters Plaza
 North Tower, Suite 1201
 Morristown, NJ 07960

Receipt Date: Jan 9, 2023 11:36AM

Rcpt. No: 362

Trans. Date: Jan 9, 2023 11:36AM

Cashier ID: #SG

CD	Purpose	Case/Party/Defendant	Qty	Price	Amt
121	Registration of Foreign Judgment		1	49.00	49.00

CD	Tender		Amt
CH	Check	#000116 01/5/2023	\$49.00

Total Due Prior to Payment:	\$49.00
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Total Tendered:	\$49.00
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Total Cash Received:	\$0.00
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Cash Change Amount:	\$0.00
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Comments: XL Specialty Insurance Co., v. Bighorn Construction & Reclamation, LLC, et al District of Maryland 21cv3068-BAH

Clerk, U.S. District Court - Midland Division - 200 East Wall Street, Room 222, Midland, TX 79701 (432) 686-4001 - www.txwd.uscourts.gov

EXHIBIT B

400000 885

UNITED STATES DISTRICT COURT

for the

District of Maryland

XL Specialty Insurance Co.

Plaintiff

v.

Bighorn Construction & Reclamation, LLC et al.

Defendant

Civil Action No. 21-cv-3068-BAH

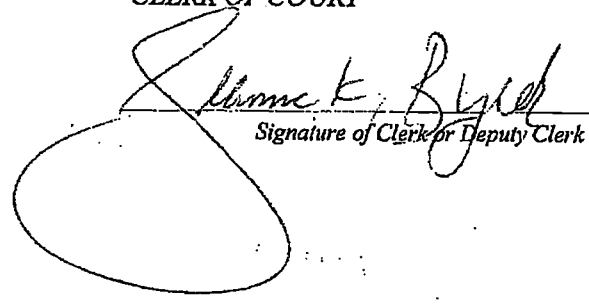
CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT

I certify that the attached judgment is a copy of a judgment entered by this court on (date) November 23, 2022

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date: January 9, 2023

CLERK OF COURT


Signature of Clerk or Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

XL SPECIALTY INSURANCE CO.,

Plaintiff,

v.

BIGHORN CONSTRUCTION &
RECLAMATION, LLC, et al.,

Defendants.

Civil No. 21-3068-BAH

* * * * *

ORDER

Upon consideration of the Motion for Summary Judgment by the Plaintiff, XL Specialty Insurance Company ("XL") (ECF 40) and the October 15, 2022 supplement thereto (ECF 41), and noting no opposition to the motion by the Defendants, Bighorn Construction and Reclamation, LLC, Bridgelink Engineering, LLC, Bridgelink Commodities, LLC, Bridgelink Investments, LLC, Bridgelink Development, LLC, Bridgelink Renewable Energy Investments, LLC, Intermountain Electric Service, Inc., Bighorn Investments and Properties, LLC, Cole W. Johnson, Cord H. Johnson and Cassie J. Hamilton (collectively, "Defendants"), it is this 23rd day of November, 2022, hereby ORDERED that the Motion be, and is, GRANTED IN PART and DENIED IN PART.

It is furthermore, ORDERED that there are no genuine disputes of material fact, and XL is entitled to summary judgment as a matter of law with respect to Count I of the Verified Complaint (Specific Performance of Collateral) and Count IV of the Verified Complaint (Exoneration). Judgment shall be and hereby is entered in favor of XL and against Defendants, jointly and severally, directing each of them, and their officers, agents, employees, attorneys

and other persons acting on their behalf, to deposit collateral with XL in the total amount of \$1,626,662.98. This obligation is joint and several and a total deposit in that amount shall sufficiently cover the obligations of all eleven Defendants as to these counts. To the extent Defendants do not deposit the collateral required within fifteen (15) days of this Order, this Order shall operate as a lien, mortgage or other encumbrance on the assets of each Defendant in the amount of \$1,626,662.98 and allowing XL to file such an Order with the secretary of state(s), counties, municipalities, townships, parishes, cities, and/or wherever else the Defendants' property may be located.

It is furthermore, ORDERED that there are no genuine disputes of material fact, and XL is entitled to summary judgment as a matter of law with respect to Count II of the Verified Complaint (Books and Records). Judgment shall be and hereby is entered in favor of XL and against Defendants, jointly and severally, directing each of them, and their officers, agents, employees, attorneys and other persons acting on their behalf, to provide XL with full and complete access of all of Defendants' books, records and other documents, including financial books, records, documents and accounts maintained by them or any of them in which they may have an interest for inspection and copying.

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several and a total payment in that amount shall sufficiently cover Plaintiff's exposure on behalf of all eleven Defendants as to these counts.

It is furthermore, ORDERED that summary judgment is DENIED as moot with respect to Count V of the Verified Complaint (*quia timet*).

It is furthermore, ORDERED that Plaintiff notify the Court within fifteen (15) days of this Order whether it intends to prosecute Count VII of the Verified Complaint (Subrogation) or whether that claim can be dismissed with prejudice in light of the granting of summary judgment on Counts I, II, III, IV, and VI of the Verified Complaint.

/s/

Hon. Brendan A. Hurson,
United States Magistrate Judge

I hereby attest and certify on 1-9-2023
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.

CATHERINE M. STAVLAS
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By

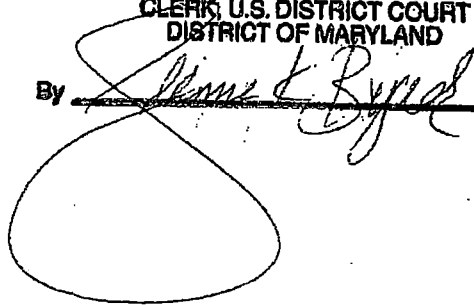

Deputy

EXHIBIT C

AC 51 (Rev. 01/09, MD 6/09) Clerk's Certification of a Judgment to be Registered in Another District

UNITED STATES DISTRICT COURT

for the
District of Maryland

United States Courts
Southern District of Texas
FILED

JAN 24 2023

XL Specialty Insurance Co.

Plaintiff

v.

Bighorn Construction & Reclamation, LLC. et al.

Defendant

)
)
)
)
)

Nathan Ochsner, Clerk of Court

Civil Action No. 21cv3068-BAH

CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT

I certify that the attached judgment is a copy of a judgment entered by this court on (date) November 23, 2022

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date: January 12, 2023

CLERK OF COURT

Kay Owens

Signature of Clerk or Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

XL SPECIALTY INSURANCE CO.,

Plaintiff,

v.

BIGHORN CONSTRUCTION &
RECLAMATION, LLC, et al.,

Defendants.

Civil No. 21-3068-BAH

* * * * *

ORDER

Upon consideration of the Motion for Summary Judgment by the Plaintiff, XL Specialty Insurance Company ("XL") (ECF 40) and the October 15, 2022 supplement thereto (ECF 41), and noting no opposition to the motion by the Defendants, Bighorn Construction and Reclamation, LLC, Bridgelink Engineering, LLC, Bridgelink Commodities, LLC, Bridgelink Investments, LLC, Bridgelink Development, LLC, Bridgelink Renewable Energy Investments, LLC, Intermountain Electric Service, Inc., Bighorn Investments and Properties, LLC, Cole W. Johnson, Cord H. Johnson and Cassie J. Hamilton (collectively, "Defendants"), it is this 23rd day of November, 2022, hereby ORDERED that the Motion be, and is, GRANTED IN PART and DENIED IN PART.

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and other persons acting on their behalf, to deposit collateral with XL in the total amount of \$1,626,662.98. This obligation is joint and several and a total deposit in that amount shall sufficiently cover the obligations of all eleven Defendants as to these counts. To the extent Defendants do not deposit the collateral required within fifteen (15) days of this Order, this Order shall operate as a lien, mortgage or other encumbrance on the assets of each Defendant in the amount of \$1,626,662.98 and allowing XL to file such an Order with the secretary of state(s), counties, municipalities, townships, parishes, cities, and/or wherever else the Defendants' property may be located.

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It is furthermore, ORDERED that Plaintiff notify the Court within fifteen (15) days of this Order whether it intends to prosecute Count VII of the Verified Complaint (Subrogation) or whether that claim can be dismissed with prejudice in light of the granting of summary judgment on Counts I, II, III, IV, and VI of the Verified Complaint.

/s/

Hon. Brendan A. Hurson,
United States Magistrate Judge

I hereby attest and certify on 1/12/2023
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.

CATHERINE M. STAVLAS
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By Kay Owens Deputy

TRIF & MODUGNO
— ATTORNEYS AT LAW —

Alyssa Puccio
apuccio@tm-firm.com

January 19, 2023

VIA REGULAR MAIL

U.S. District Clerk's Office
P.O. Box 61010
Houston, Texas 77208

Re: XL Specialty Insurance Co., v. Bighorn Construction
& Reclamation, LLC, et al.
Maryland Case No.: 21-3068-BAH

Dear Sir/Madam,

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Respectfully submitted,



Alyssa Puccio, Esq.

NEW JERSEY
89 Headquarters Plaza
North Tower, Suite 1201
Morristown, New Jersey 07960
973-547-3611
Facsimile: 973-554-1220

NEW YORK
11 Broadway
Suite 615
New York, New York 10004
917-477-2999
Facsimile: 973-554-1220

PENNSYLVANIA
1700 Market Street
Suite 1005
Philadelphia, Pennsylvania 19103
267-869-0050
Facsimile: 267-869-0051

EXHIBIT D

UNITED STATES DISTRICT COURT

for the

District of Maryland

XL Specialty Insurance Co.

Plaintiff

v.

Bighorn Construction & Reclamation, LLC. et al.

Defendant

Civil Action No. 21cv3068-BAH


CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT

I certify that the attached judgment is a copy of a judgment entered by this court on (date) November 23, 2022

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date: January 12, 2023

CLERK OF COURT


Signature of Clerk or Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

XL SPECIALTY INSURANCE CO.,

Plaintiff,

v.

BIGHORN CONSTRUCTION &
RECLAMATION, LLC, et al.,

Defendants.

*

*

*

*

Civil No. 21-3068-BAH

*

*

* * * * *

ORDER

Upon consideration of the Motion for Summary Judgment by the Plaintiff, XL Specialty Insurance Company ("XL") (ECF 40) and the October 15, 2022 supplement thereto (ECF 41), and noting no opposition to the motion by the Defendants, Bighorn Construction and Reclamation, LLC, Bridgelink Engineering, LLC, Bridgelink Commodities, LLC, Bridgelink Investments, LLC, Bridgelink Development, LLC, Bridgelink Renewable Energy Investments, LLC, Intermountain Electric Service, Inc., Bighorn Investments and Properties, LLC, Cole W. Johnson, Cord H. Johnson and Cassie J. Hamilton (collectively, "Defendants"), it is this 23rd day of November, 2022, hereby ORDERED that the Motion be, and is, GRANTED IN PART and DENIED IN PART.

It is furthermore, ORDERED that there are no genuine disputes of material fact, and XL is entitled to summary judgment as a matter of law with respect to Count I of the Verified Complaint (Specific Performance of Collateral) and Count IV of the Verified Complaint (Exoneration). Judgment shall be and hereby is entered in favor of XL and against Defendants, jointly and severally, directing each of them, and their officers, agents, employees, attorneys

and other persons acting on their behalf, to deposit collateral with XL in the total amount of \$1,626,662.98. This obligation is joint and several and a total deposit in that amount shall sufficiently cover the obligations of all eleven Defendants as to these counts. To the extent Defendants do not deposit the collateral required within fifteen (15) days of this Order, this Order shall operate as a lien, mortgage or other encumbrance on the assets of each Defendant in the amount of \$1,626,662.98 and allowing XL to file such an Order with the secretary of state(s), counties, municipalities, townships, parishes, cities, and/or wherever else the Defendants' property may be located.

It is furthermore, ORDERED that there are no genuine disputes of material fact, and XL is entitled to summary judgment as a matter of law with respect to Count II of the Verified Complaint (Books and Records). Judgment shall be and hereby is entered in favor of XL and against Defendants, jointly and severally, directing each of them, and their officers, agents, employees, attorneys and other persons acting on their behalf, to provide XL with full and complete access of all of Defendants' books, records and other documents, including financial books, records, documents and accounts maintained by them or any of them in which they may have an interest for inspection and copying.

It is furthermore, ORDERED that there are no genuine disputes of material fact, and XL is entitled to summary judgment as a matter of law with respect to Count III of the Verified Complaint (Contractual Indemnity) and Count VI of the Verified Complaint (Indemnity). Judgment shall be and hereby is entered in favor of XL and against Defendant, Bighorn Construction and Reclamation, LLC, in the amount of Seven Hundred Twenty-Nine Thousand Three Hundred Seventy-Seven Dollars and Eighty-Five Cents (\$729,377.85), plus post-judgment interest at the legal rate, and the costs of this action. This obligation is joint and

several and a total payment in that amount shall sufficiently cover Plaintiff's exposure on behalf of all eleven Defendants as to these counts.

It is furthermore, ORDERED that summary judgment is DENIED as moot with respect to Count V of the Verified Complaint (*quia timet*).

It is furthermore, ORDERED that Plaintiff notify the Court within fifteen (15) days of this Order whether it intends to prosecute Count VII of the Verified Complaint (Subrogation) or whether that claim can be dismissed with prejudice in light of the granting of summary judgment on Counts I, II, III, IV, and VI of the Verified Complaint.

/s/
Hon. Brendan A. Hurson,
United States Magistrate Judge

I hereby attest and certify on 1/12/2023
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody.

CATHERINE M. STAVLAS
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By Kay Owens Deputy

TRIF & MODUGNO

ATTORNEYS AT LAW

Alyssa Puccio
apuccio@tm-firm.com

January 19, 2023

VIA REGULAR MAIL

U.S. District Clerk's Office
300 Willow Street Suite 104
Beaumont, Texas 77701

CLERK, U.S. DISTRICT COURT
RECEIVED

JAN 25 2023

EASTERN DISTRICT OF TEXAS
BEAUMONT, TEXAS

Re: XL Specialty Insurance Co., v. Bighorn Construction
& Reclamation, LLC, et al.
Maryland Case No.: 21-3068-BAH

Dear Sir/Madam,

We represent XL Specialty Insurance Company ("XL") in the above-referenced matter. At this time, we would like to request that the certified judgment be registered as a foreign judgment. Enclosed, please find a check in the amount of \$49.00. If you have any questions or require additional information, please do not hesitate to contact me.

Respectfully submitted,



Alyssa Puccio, Esq.

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TRIF & MODUGNO

— ATTORNEYS AT LAW —

February 13, 2023

Alyssa Puccio
United States Courts
Southern District of Texas
apuccio@tm-firm.com
FILED

FEB 17 2023

VIA CERTIFIED MAIL

United States District Court
P.O. Box 61010
Houston, TX 77208

Nathan Ochsner, Clerk of Court

Re: XL Specialty Insurance Company v. Bighorn
Construction & Reclamation, LLC, et al.
Case No. 7:23-mc-00007

Dear Sir/Madam,

We represent XL Specialty Insurance Company ("XL") located at 70 Seaview Avenue, Stamford, CT 06902, in the above-referenced case. Enclosed, please find our Affidavit to be docketed by the court clerk in compliance with Federal Rules 77(c), 70, 69, and 58, along with a copy of the domesticated judgment.

Respectfully Submitted,



Alyssa Puccio

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